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January 25, 2019

VIA EMAIL ONLY (muratore.kim@epa.gov)

Attn: Kim Muratore, SFD-7-5
 Case Developer
 CERCLA Enforcement Section, Superfund Division
 U.S. Environmental Protection Agency – Region 9
 75 Hawthorne Street
 San Francisco, CA 94015

RE: CERCLA Section 104(e) Information Request Letter
 Orange County North Basin Study Area, Orange County, California
 Johnson Controls, Inc.

Dear Ms. Muratore:

We are responding on behalf of Johnson Controls, Inc. (“JCI”) to the CERCLA Section 104(e) Information Request Letter dated December 17, 2018 (the “Request”) and received by JCI on December 26, 2018. We understand that the Request seeks information pertaining to potential volatile organic chemical (“VOC”) contamination in the Orange County North Basin (“OCNB”) Study Area, located in Orange County, California. As it applies to JCI, the Request seeks information pertaining to the operations of a facility formerly located at 1550 East Kimberly Avenue, Fullerton, California (“the Facility”). The United States Environmental Protection Agency (“EPA”) also submitted an identical CERCLA Section 104(e) Information Request Letter dated December 17, 2018 to Johnson Controls Battery Group, Inc. (“JCBGI”), a subsidiary of JCI that owned and operated the Facility.

Based on JCI’s review of the Request, JCI has determined that any information, records, and/or documents in JCI’s possession that would be responsive to the Request are also in the possession of JCBGI. JCI does not possess any information that JCBGI would not possess, and JCI does not have access to any additional information that would be responsive to EPA’s request.

In the event JCI gains access to information responsive to the Request that is neither in the possession and/or control of JCBGI, then JCI will promptly notify the EPA. Until such time, however, JCI relies upon and incorporates by reference all of JCBGI’s objections and responses to the Request as if fully stated herein.

The only exception to the above relates to JCI’s responses to the individual requests numbered 6 through 11 contained in Enclosure B. These requests seek information concerning JCI’s corporate structure. JCI’s responses to these requests are included below:

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Request No. 6: Explain the Company's present corporate status (*e.g.*, active, suspended, defunct, merged, dissolved) as well as its operational status (*e.g.*, whether and where business operations are currently occurring).

Response to Request No. 6: JCI is an active corporation formed in the state of Wisconsin in 1885 and incorporated in the state of Wisconsin on July 31, 1900. JCI is qualified to do business in all 50 states and the District of Columbia.

Request No. 7: Provide the date and in which State the Company was incorporated, formed, or organized.

Response to Request No. 7: JCI was formed in the state of Wisconsin in 1885 and incorporated in the state of Wisconsin on July 31, 1900.

Request No. 8: Identify the business structure (*e.g.*, sole proprietorship, general partnership, limited partnership, joint venture, or corporation) under which the Company currently exists or operates, and identify each business structure under which it existed or operated while at the Facility location. For each business structure and name under which the Company has existed or operated at the Facility, provide the corresponding dates that it existed or operated under that business structure and name.

Response to Request No. 8: JCI has always operated as a corporation. JCI operated the Facility under this business structure between 1978 and December 1990 (when JCI transferred ownership of the Facility to JCBGI).

Request No. 9: If the Company operated at the Facility as a subsidiary, division, or other business unit, provide this information and identify where it fits into the larger company's structural organization.

Response to Request No. 9: JCI did not operate the Facility as a subsidiary, division, or other business unit.

Request No. 10: If the Company is now using or has ever used a fictitious business name while operating at the Facility, identify the fictitious names and the owners of each fictitious name.

Response to Request No. 10: JCI never used a fictitious business name while operating at the Facility. Prior to owning the facility, JCI had several prior names, as follows: Johnson Electric Service Company, July 31, 1900 to July

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10, 1902; Johnson Service Company July 10, 1902 to November 11, 1974; and Johnson Controls, Inc. November 11, 1974 to Present.

Request No. 11: If the Company sold the Facility property, provide the date on which the Facility property was sold and the person or entity to whom it was sold. To the extent known, indicate whether you understand whether the buyer planned to continue the same or similar business operations at the Facility as that conducted by the Company. To the extent you are aware, include any information regarding changes planned by the buyer regarding operations that involve the use, storage, or disposal of PCE, TCE, 1,1-DCE, 1,1,1-TCA, 1,4-dioxane, or perchlorate (e.g., plans to add or dismantle clarifiers, change the types of solvents being used).

Response to Request No. 11: JCI objects to Request No. 11 on the grounds that it is vague and ambiguous. Among other things, the Request fails to define “business operations.”

Subject to and without waiving these objections, JCI transferred the Facility to its subsidiary, JCBGI, in December 1990. JCI is not aware of any information regarding changes planned by JCBGI that would have involved the use, storage, or disposal of PCE, TCE, 1,1-DCE, 1,1,1-TCA, 1,4-dioxane, or perchlorate.

JCI has reviewed this response, and we are authorized to submit it on JCI’s behalf.

Very truly yours,

DeWitt LLP



Chase A. Horne

CAH:smp

cc: Attorney Benjamin C. Grawe (via email only)
Johnson Controls, Inc. (via email only)